



## Arlington Conservation Commission

**Date:** Thursday, January 18, 2024

**Time:** 7:00 PM

**Location:** Conducted by Remote Participation.

Please register in advance for this meeting. Reference materials, instructions, and access information for this specific meeting will be available 48 hours prior to the meeting on the Commission's agenda and minutes page. This meeting will be conducted in a remote format consistent with Chapter 2 of the Acts of 2023, which further extends certain COVID-19 measures regarding remote participation in public meetings until March 31, 2025. Please note: Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law. This agenda includes those matters which can be reasonably anticipated to be discussed at the meeting.

### Agenda

1. Administrative
  - a. Review Meeting Minutes
  - b. Correspondence Received.  
All correspondence is available to the public. For a full list, contact the Conservation Agent at [concomm@town.arlington.ma.us](mailto:concomm@town.arlington.ma.us).
2. Discussion
  - a. 34 Dudley Street Escrow Agreement Extension
  - b. Mt. Gilboa Feasibility Study Survey Update  
Link to Survey
  - c. Water Bodies Working Group
    - i. Vote on warrant article funding Water Bodies Working Group
    - ii. DEP #091-0344: Spy Pond: Proposed Change to Order of Conditions
  - d. Parks & Recreation Commission Liaison (next meeting 1/23/2024)
  - e. Artificial Turf Study Committee Update
3. Hearings

**Request for Determination of Applicability: 35 Beverly Road**

This public hearing will consider an application for a seasonal floating dock at 35 Beverly Road along the Bank and Land Under Water of Mystic Lake.

**Request for Determination of Applicability: 43 Beverly Road**

This public hearing will consider an application for a seasonal floating dock at 43 Beverly Road along the Bank and Land Under Water of Mystic Lake.

**Permit Amendment: 88 Coolidge Road (Continued from 12/21/23)**

This public hearing will consider the peer review report for an amendment to an Order of Conditions for construction of a new house at 88 Coolidge Road in the Buffer Zone to a Bordering Vegetated Wetland.

Per the Applicant's Request, the Conservation Commission will vote to continue this public hearing until 2/1/2024.

**Notice of Intent: Thorndike Place (Continuation from 12/14/23)**

The Conservation Commission will hold a public hearing under the Wetlands Protection Act to consider a Notice of Intent for the construction of Thorndike Place, a multifamily development on Dorothy Road in Arlington. This hearing will concern the Conservation Commission's request for peer review of submitted materials. This hearing will include an update on progress regarding wildlife habitat and stormwater peer review.

Per the Applicant's Request, the Conservation Commission will vote to continue this public hearing until 2/1/2024.



## **Town of Arlington, Massachusetts**

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### **Review Meeting Minutes**

#### **Summary:**

Review Meeting Minutes



## Town of Arlington, Massachusetts

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### Correspondence

#### Summary:

Correspondence Received.

All correspondence is available to the public. For a full list, contact the Conservation Agent at [concomm@town.arlington.ma.us](mailto:concomm@town.arlington.ma.us).

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	Correspondence_Received_-_Anchor_Property_Management_-_Fw_Letter_from_Arlington.pdf	Correspondence Received - Anchor Property Management
Reference Material	Correspondence_Received_-_Brid_Coogan_-_East_Arlington_Photos_of_recent_impact_of_rain_and_flooding_where_I_live.pdf	Correspondence Received - Brid Coogan
Reference Material	Correspondence_Received_-_Jon_Gersh_-_Poet_s_Corner_after_the_rain.pdf	Correspondence Received - Jon Gersh
Reference Material	Correspondence_Received_-_Lisa_Fredman_-_Concerns_that_Thorndike_Place_will_exacerbate_current_flooding_problems_in_neighborhood.pdf	Correspondence Received - Lisa Fredman
Reference Material	Correspondence_Received_-_Peter_Fiore_-_Thorndike_Place_NW_area_January_10_2024.pdf	Correspondence Received - Peter Fiore
Reference Material	Correspondence_Received_-_Tony_Dellovo_-_Question_Re_Conservation_Land.pdf	Correspondence Received - Tony Dellovo




**Fw: Letter from Arlington**

Anchor Property Management &lt;info@anchorminc.com&gt;

Thu 1/11/2024 10:37 AM

To: ConComm &lt;ConComm@town.arlington.ma.us&gt;

 1 attachments (1,004 KB)

knotweed.pdf;

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello, the Brookside condo association received a notice from you regarding Knotweed which is attached. We spoke with the board and the landscaping company and nobody has any knowledge of this claim. All have stated they do not work or go on the MDC property that is adjacent to the Brookside Condominium Association. MANY non-Brookside residents use the path along the brook and this could be the issue. Thanks for alerting us and we will keep you posted if we discover anything.

Best,

---

Colin Walsh  
Anchor Property Management



781-643-0454  
22 Mill St. Suite 405  
Arlington, MA. 02476  
<http://anchorminc.com>

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**From:** Anchor Property Management <info@anchorminc.com>

**Sent:** Wednesday, January 10, 2024 3:14 PM

**To:** dmorgan@town.arlington.ma.us <dmorgan@town.arlington.ma.us>

**Subject:** Fw: Letter from Arlington

Hello, the Brookside condo association received a notice from you regarding Knotweed and is attached. We spoke with the board and the landscaping company and nobody has any knowledge of this claim. All have stated they do not work or go on the MDC property that is adjacent to the Brookside Condominium Association. There are MANY non-Brookside residents who use the path along the brook and this could be the issue. Thanks for alerting us and we will keep you posted if we discover anything.

Best,

---

Colin Walsh

Anchor Property Management




## East Arlington Photos of recent impact of rain and flooding where I live

Brid Coogan <cooganpluck@gmail.com>

Wed 1/10/2024 5:39 PM

To: ConComm <ConComm@town.arlington.ma.us>

 1 attachments (7 MB)

Flooding Concerns - Photos Jan 10 2023.docx;

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Conservation Committee Members,

I own and live in my home on 17 Edith St. I am very concerned about flooding in my neighbourhood. Today, Jan 10 I took some photos after the recent snow/rain storm. There is another storm expected late Friday night with more flooding expected. WBZ says this is the 6th highest water level on record for Boston.

We have two sump pumps constantly going. The sound is a constant gushing of water into the street drain.

I understand you are probably being inundated with photos of flooding in the area. I would appreciate it if you could please look at the attached document of photos I took today.

Happy new year.

Thank you.

Brid Coogan

17 Edith St.



## Poet's Corner after the rain

Jon Gersh <jgersh0923@gmail.com>

Wed 1/10/2024 11:38 AM

To: ConComm <ConComm@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Just for reference, this is Poet's Corner after 3" of rain last night. Many houses are pumping, but I've cleaned the drains so the storm sewers are catching that. They were overrun last night. Thanks, Jon Gersh, Kipling Rd.



Sent from my iBanjo

Concerns that Thorndike Place will exacerbate current flooding problems in neighborhood

Lisa Fredman <lfredman1@gmail.com>

Wed 1/10/2024 8:39 PM

To:ConComm <ConComm@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Conservation Committee members,

I live on Mott Street, down the street from the proposed Thorndike Place. I am writing to you to express my grave concerns that Thorndike Place will exacerbate the flooding problems that we already have in our neighborhood. My sump pump has been going non-stop since last night. I have attached pictures that I took of the flooding at the Margaret Street entrance to Thorndike Field today, AND on Dec. 25, 2023. During the Fall, 2023, I saw standing water in that area every time I walked to Alewife (see photo, 12/25/23). I took the photo on Dec. 25 to show you how essential the wetland and adjacent areas are to mitigating flooding in our neighborhood. The flooding from last night's rain should give you even more justification for preserving this area. Can you imagine what the flooding today would have been like if we had a 4-storey apartment complex sitting next to this wetland?

Thank you for your work,

Best,

Lisa Fredman

63 Mott Street

<a href="#">Flooding_backyard corner of Margaret St_011024.pdf</a>
<a href="#">Flooding_end of Margaret St. looking toward Edi...</a>
<a href="#">Flooding_end of Margaret St. looking toward Tho...</a>
<a href="#">Flooding_looking back toward Margaret St_011024...</a>




**Thorndike Place - NW area January 10, 2024.**

Peter Fiore <fiorepe@hotmail.com>

Thu 1/11/2024 9:41 PM

To: ConComm <ConComm@town.arlington.ma.us>

 2 attachments (5 MB)

20240110\_134550.jpg; 20240110\_134903.jpg;

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Members of the Arlington Conservation Commision,

Attached is a photograph taken from what I consider to be the Commonwealth of Massachusetts Route 2 property across the northwest area of the Mugar Property towards the back of the houses at 54, 58, and 62 Mott Street. I offer it as supplemental information regarding future flooding concerns having to do with the adjacent Thorndike Place development. These photographs were taken on January 10, 2024, in the aftermath of the rainstorm the previous night. Also attached is a photo of the Massachusetts property that borders the entrance to the Lake Street offramp from Route 2 West. It had standing water as did that portion of the highway there. If you look closely, you can see a car in the background on Route 2. The highway flooding is something I expect can be confirmed with MassDOT. These photographs are panoramas, so the size of the water pools may appear exaggerated, but this is unintentional and only incidental.

Thank you for your consideration.

Peter Fiore  
58 Mott Street  
Arlington, MA 02474

**Re: Question**

Tony D <tony.j.dellovo@gmail.com>

Mon 1/8/2024 2:08 PM

To: David Morgan <dmorgan@town.arlington.ma.us>

Cc: ConComm <ConComm@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi David,

I think they're valid things to explore as well.

The site I've been thinking about most is the Window onto the Mystic given the significance of the river, lakes and surrounding estuaries to Native people of the area. But, I do wonder about access to the land such as parking as you mentioned.

As far as protecting and conserving the land, I think it's an interesting idea to reflect on. I personally wouldn't have any worries about that lessening considering that the land is quite sacred for most Native communities. They may even be able to do it better. And, ultimately, is it up to us to decide this if it's land that was theirs to begin with and then stolen?

This isn't meant to be snarky, just a lot of food for thought as moving down this path won't be a comfortable or smooth journey. Nor should it be.

I appreciate you taking the journey with me, David, and helping me better understand the process.

Be well,

Tony

On Jan 8, 2024, at 9:28 AM, David Morgan <dmorgan@town.arlington.ma.us> wrote:

Hi Tony,

Thank you, and likewise, I'm very happy to have this flexibility.

I heard from the Conservation Commission chair about your inquiry. He expressed concern that the change of ownership may result in fewer protections on the land, ranging from deed restrictions that exclude parking to the application of state and local wetlands laws that ensure the site is conserved. I think these are valid questions to explore further.

We've asked our DEI Division to look into the relationship with the tribes further, and I'll likely pick up there when I return from leave.

Cheers,  
David

11 of 79

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012 | [Please note I will be on leave from mid-January to early March, 2024.](#)

*Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.*

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**From:** Tony D <tony.j.dellovo@gmail.com>  
**Sent:** Thursday, January 4, 2024 10:11 AM  
**To:** David Morgan <dmorgan@town.arlington.ma.us>  
**Subject:** Re: Question

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi David,

No worries and glad you're getting time to be with your new child! Congratulations!

I don't have existing relationships with the Pawtucket and Naumkeag Tribes, but I'm slowly building relationships with indigenous leaders in the area and I'm happy to help make connections. So, I don't know yet if this is something that a Native community would even be interested in pursuing, but I'd love to learn if there would be interest from them. Have you identified specifically that it would be Pawtucket and Naumkeag communities that have ancestral lands in Arlington? I was under the impression it was the Massachusett tribe, but I'm no expert on the subject.

Thanks for your response and curiosity!

Be well,

Tony

On Jan 4, 2024, at 8:42 AM, David Morgan <dmorgan@town.arlington.ma.us> wrote:

Hi Tony,

Apologies for the delay in my response, I've been flat out preparing for parental leave, meaning that I crammed several months of work for the start of this year into the end of last on top of my normal duties. I'm genuinely interested in your question. You're the second person to have asked it of me and I solicited my colleagues in the DEI Division the first time around. Do you have an existing relationship with the Pawtucket and Naumkeag tribes? The Town does not yet, but both Planning and DEI are interested.

Cheers,

12 of 79



David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012 | [Please note I will be on leave from mid-January to early March, 2024.](#)

*Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.*

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**From:** Tony D <tony.j.dellovo@gmail.com>  
**Sent:** Wednesday, January 3, 2024 4:54 PM  
**To:** ConComm <ConComm@town.arlington.ma.us>  
**Subject:** Re: Question

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello - I'm following up from my previous email. See below. I look forward to hearing from you.

Be well,

Tony Dellovo

> On Dec 5, 2023, at 10:20 AM, Tony D <tony.j.dellovo@gmail.com> wrote:  
>  
> Hello,  
>  
> I'm an Arlington resident and I'm curious if we would ever consider giving some of our conservation land, such as the Window onto the Mystic, back to an Indigenous community such as the Massachusetts Tribe? I haven't yet checked if the Massachusetts would be interested in acquiring land in Arlington, but I wanted to check if it would even be a consideration before reaching out to their community.  
>  
> I'm happy to discuss in more detail.  
>  
> Thank you for your consideration.  
>  
> Be well,  
>  
> Tony Dellovo  
> 508-265-4058



## Town of Arlington, Massachusetts

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### 34 Dudley Street Escrow Agreement Extension

#### Summary:

34 Dudley Street Escrow Agreement Extension

#### ATTACHMENTS:


	Type	File Name	Description
▢	Reference Material	34_Dudley_Street_-_email.pdf	34 Dudley Street - email
▢	Reference Material	34_Dudley_Escrow_-_Extension.docx.pdf	34 Dudley Escrow - Extension
▢	Reference Material	34_Dudley_Escrow_Agreement.pdf	34 Dudley Escrow Agreement

## 34 Dudley

Ryan Clapp <rclapp@town.arlington.ma.us>

Thu 12/28/2023 2:30 PM

To: Susan Chapnick <s.chapnick@comcast.net>; Chuck Tirone <ctirone@ci.reading.ma.us>

 4 attachments (22 MB)

Re-Recorded OOC - Arlington (2023-10-10).pdf; 34 Dudley Escrow Agreement.pdf; 34 Dudley St OOC.pdf; 134676\_9\_1\_2022.pdf;

Hi Susan & Chuck -

After looking through the 34 Dudley Road files, I have located the following (attached):

- Escrow agreement
- Order of Conditions (091-0309)
- Partial Certificate of Compliance (091-0309)
- Order of Conditions (091-0340)

The escrow agreement is valid through **3/30/2024**.

The escrow agreement is in relation to the OOC 091-0309, which has a Partial Certificate of Compliance. This OOC was issued on 7/31/2019, which would have expired on 7/31/2019, if not for covid permit tolling adding another 462(?) days to it, making the new expiration date 10/29/2023. Regardless, this OOC is now expired, and there was no Extension in the files.

However, a separate NOI was filed and OOC issued on 8/17/2022 under 091-0340. This OOC has references to 091-0309 and the PCOC and escrow agreement. It looks like instead of extending the previous OOC, they filed a new NOI and lumped the outstanding work into it.

All that to say, the escrow agreement expires on 3/30/2024, and the OOC on 8/17/2025.

Ryan

**AGREEMENT TO EXTEND**  
**ESCROW AGREEMENT**

**Regarding 34 Dudley Street, Arlington, Massachusetts**  
**Order of Conditions Nos. 91-0309 & 91-0340**

WHEREAS, the Town of Arlington Conservation Commission and the Applicant for Order of Conditions No. 91-0309, PSI Atlantic Arlington, LLC, and the Applicant for Order of Conditions No. 91-0340, 34 Dudley Street, LLC, on December 2, 2022 entered into an Escrow Agreement concerning the installation of a stormwater management system at 34 Dudley Road, Arlington, Massachusetts (the “Escrow Agreement”);

WHEREAS, the stormwater management system has not yet been installed;

WHEREAS, the Escrow is set to expire on March 30, 2024;

WHEREAS, the current Order of Conditions No. 91-0340 expires on August 17, 2025; and

WHEREAS, all the parties to the Escrow Agreement desire additional time to comply with the terms of the Escrow Agreement;

The parties hereby agree, for mutual consideration the receipt of which is hereby acknowledged, to extend the deadline set forth in paragraph 3 of the Escrow Agreement from March 30, 2024 to August 17, 2025. The parties further agree that no other terms of the Escrow Agreement are modified.

**Applicant,**  
**PSI Atlantic Arlington MA, LLC**

**Arlington Conservation Commission**

\_\_\_\_\_  
By: James Williams, President

\_\_\_\_\_  
Charles Tirone, Chair

**34 Dudley Street, LLC**

\_\_\_\_\_  
By:

\_\_\_\_\_  
Susan Chapnick, Vice Chair

\_\_\_\_\_  
Mike Gildesgame

\_\_\_\_\_  
David Kaplan

\_\_\_\_\_  
Brian McBride

\_\_\_\_\_  
Nathanial Stevens

Date: January 18, 2024

\_\_\_\_\_  
David White



## **ESCROW AGREEMENT**

**Regarding 34 Dudley Street, Arlington, Massachusetts**

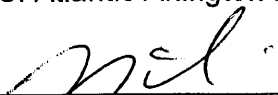
**Order of Conditions No. 091-0309**

The Applicant, PSI Atlantic Arlington MA, LLC, has requested that the Conservation Commission issue a partial Certificate of Compliance for DEP #091-0309 relating to the 34 Dudley Street real estate.

The Commission approved the issuance of the partial Certificate of Compliance on September 13, 2022, upon the following terms and conditions:

1. 34 Dudley Street, LLC shall pay, by way of a certified check made payable to the Town of Arlington, the sum of \$7,705.20 (the "Escrow Funds") to the Commission, which sum is to be held in escrow by the Town per the terms of this Escrow Agreement.
2. The Escrow Funds shall be released by the Town and paid to 34 Dudley Street LLC upon the first occurrence of the following two events: 1) the stormwater management system as permitted under Order of Conditions #091-0309 is installed and a Certificate of Compliance is issued that said stormwater system was installed in conformity with said Order; or 2) the stormwater infiltration system is installed as permitted under Order of Conditions #091-0340 and a Certificate of Compliance is issued that said stormwater system was installed in conformity with said Order.
3. If neither of the foregoing two events occurs by March 30, 2024, the \$7,705.20 escrow amount shall be forfeited to the Arlington Conservation Commission and, in that event, the Conservation Commission may use the funds to hire a contractor to construct the proposed stormwater infiltration system and 34 Dudley Street, LLC on behalf of it, or any assigns or successors, grants the Commission permission to perform such work and also grants access to the property to perform such work should the Commission elect to do so.
4. This Escrow Agreement is to be construed under the laws of the Commonwealth of Massachusetts.

Applicant,  
PSI Atlantic Arlington MA, LLC

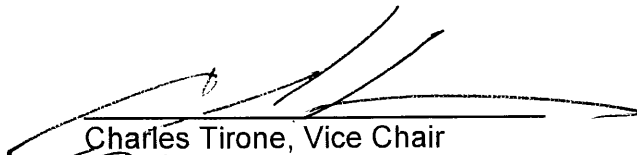
  
By: James G. Williamson, President

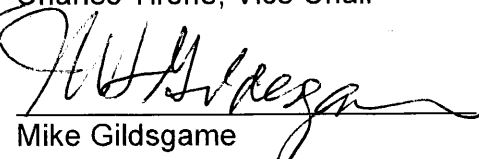
34 Dudley Street, LLC

  
By:

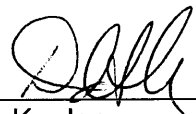
Arlington Conservation Commission


  
Susan Chapnick, Chair

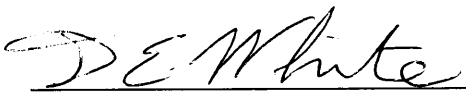
  
Charles Tirone, Vice Chair

  
Mike Gildsgame

  
Pamela Heidell

  
Dave Kaplan

  
Nathaniel Stevens

  
David White

Dated: 12.02.22



## Town of Arlington, Massachusetts

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### Water Bodies Working Group

#### Summary:

Water Bodies Working Group

- i. Vote on warrant article funding Water Bodies Working Group
- ii. DEP #091-0344: Spy Pond: Proposed Change to Order of Conditions

#### ATTACHMENTS:

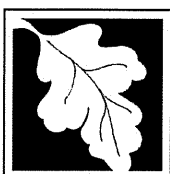
	Type	File Name	Description
▢	Reference Material	2024_-_ARTICLE_xx_APPROPRIATION.pdf	2024 - ARTICLE xx APPROPRIATION
▢	Reference Material	Spy_Pond_Aquatic_Invasive_Management_OOC.pdf	Spy Pond Aquatic Invasive Management OOC



## **ARTICLE ?? APPROPRIATION/WATER BODIES FUND**

To see if the Town will vote to appropriate a sum of money to the Town's Water Bodies Fund for the maintenance, treatment, and oversight of all the Town's water bodies, said sum to be raised by the general tax and expended under the direction of the Town Manager, who will also report to Town Meeting on the status of the fund; or take any action related thereto.

(Inserted at the request of the Arlington Conservation Commission and ... Envision Arlington Standing Committee and its Spy Pond and Reservoir Task Groups)



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

091-0344

MassDEP File #

eDEP Transaction #

Arlington

City/Town

**A. General Information**

**Please note:**  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

**Important:**  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.



1. From: Arlington  
Conservation Commission

2. This issuance is for (check one):  
a. ☒ Order of Conditions      b. ☐ Amended Order of Conditions

3. To: Applicant:

David

a. First Name

Morgan

b. Last Name

Town of Arlington, Conservation Commission

c. Organization

730 Massachusetts Avenue

d. Mailing Address

Arlington

e. City/Town

MA

f. State

02476

g. Zip Code

4. Property Owner (if different from applicant):

Town of Arlington

a. First Name

Town of Arlington

b. Last Name

c. Organization

730 Massachusetts Avenue

d. Mailing Address

Arlington

e. City/Town

MA

f. State

02476

g. Zip Code

5. Project Location:

Spy Pond

a. Street Address

Arlington

b. City/Town

c. Assessors Map/Plat Number

d. Parcel/Lot Number

Latitude and Longitude, if known:

d      m      s  
d. Latitude

d      m      s  
e. Longitude



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 091-0344  
 MassDEP File #

eDEP Transaction #  
 Arlington  
 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

a. County \_\_\_\_\_ b. Certificate Number (if registered land) \_\_\_\_\_

c. Book \_\_\_\_\_ d. Page \_\_\_\_\_

7. Dates: 08/31/22 02/16/23 02/16/23  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Spy Pond Aquatic Invasive Management NOI Package

a. Plan Title

SWCA

b. Prepared By

08/31/23

d. Final Revision Date

SEE ATTACHED

f. Additional Plan or Document Title

Naomi Valentine

c. Signed and Stamped by

e. Scale

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☐ Prevention of Pollution  
 d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat  
 g. ☐ Groundwater Supply h. ☐ Storm Damage Prevention i. ☐ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
091-0344  
MassDEP File #

eDEP Transaction #  
Arlington  
City/Town

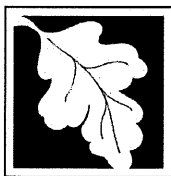
**B. Findings (cont.)**

**Denied** because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)                      a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	<u>4,443,120</u> a. square feet	<u>4,443,120</u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
	<u>                    </u> e. c/y dredged	<u>                    </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
Cubic Feet Flood Storage	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

091-0344

MassDEP File #

eDEP Transaction #

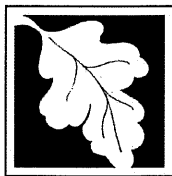
Arlington

City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. <sup>cu yd</sup> nourishment	d. <sup>cu yd</sup> nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. <sup>cu yd</sup> nourishment	d. <sup>cu yd</sup> nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

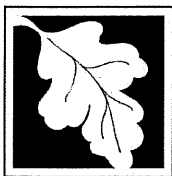
a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

**The following conditions are only applicable to Approved projects.**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 02/16/26 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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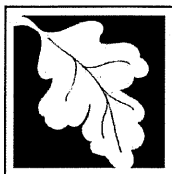
Arlington

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            091-0344            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
  - (1) ☐ is subject to the Massachusetts Stormwater Standards
  - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;





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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**SEE ATTACHED**

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Arlington hereby finds (check one that applies):  
 Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Arlington Bylaw for Wetlands Protection

1. Municipal Ordinance or Bylaw

Title V,  
Article 8

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

SEE ATTACHED



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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Arington  
City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

03-15-23  
1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

4  
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

☒ by hand delivery on

03-15-23  
Date

by certified mail, return receipt requested, on

Date



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

## **WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 091-0344

MassDEP File #

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Arlington

City/Town

### **F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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## G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

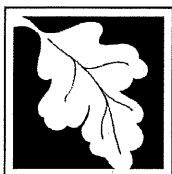
If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP \_\_\_\_\_

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

a. Street Address _____	b. City/Town, Zip _____
c. Check number _____	d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town _____	State _____	Zip Code _____
Phone Number _____	Fax Number (if applicable) _____	

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town _____	State _____	Zip Code _____
Phone Number _____	Fax Number (if applicable) _____	

4. DEP File Number: \_\_\_\_\_

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**B. Instructions**

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP \_\_\_\_\_

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



ARLINGTON CONSERVATION COMMISSION  
**APPROVAL ORDER OF CONDITIONS – Spy Pond Aquatic Invasive Management**  
MassDEP File # 091-0344  
UNDER THE WETLANDS PROTECTION ACT and ARLINGTON BYLAW FOR WETLANDS PROTECTION  
Management of aquatic invasive species  
03/15/2023

**Documents Reviewed**

1. Spy Pond Aquatic Invasive Management NOI Package
  - a. Project Narrative
  - b. WPA Form 3 – Notice of Intent
  - c. WPA Appendix A – Ecological Restoration Limited Project Checklists
  - d. Affidavit of Service
  - e. Abutter Notification Form
  - f. Certified List of Abutters
  - g. Project Locus Map
  - h. Abutter Map
  - i. MassGIS Orthophoto & NHESP Estimated Habitat Map
  - j. NHESP Approval Letter
  - k. Site Photographs

**Proceedings**

The Conservation Commission held a public hearing for the Notice of Intent on September 15, 2022. The hearing was continued to October 6, 2022, and again to October 20, 2021, when it was found that a later approval date would be preferable, and so the hearing was continued to February 2, 2023, again to February 16, 2023, then to March 2, 2023, and it was closed on that date. The Commission deliberated on March 2, 2023, and voted 6-0-0 to approve the Project with conditions under the Wetlands Protection Act (the “Act”) and voted 6-0-0 to approve the Project with conditions under the Arlington Wetlands Protection Bylaw (the “Bylaw”) and implementing regulations (Arlington Regulations for Wetlands Protection, March 1, 2018).

**Findings of Fact and Law under Arlington Wetlands Protection Bylaw  
and Wetlands Protection Act**

- A. The project as approved will permit the use of chemical, manual, and mechanical methods to manage nuisance and invasive vegetation and algae while also promoting diversity of both flora and fauna within and around Spy Pond.
- B. Spy Pond is a Great Pond in the Town of Arlington. The pond abuts the Town owned parcels at Spy Pond Park and Scannell Field at its north end. It is bounded by Route 2 at its southern end and is surrounded by residential development.

- C. Resource Areas on site or within 100' of the property lines include Bank, Buffer Zone, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Land Under Waterbodies and Waterways, and Adjacent Upland Resource Area. Only those resource areas listed below will be altered.
- i. 4,443,120± square feet of Land Under Waterbodies and Waterways will be altered, allowing for treatment of the entire surface area of Spy Pond.

### **Conclusion**

Based on the testimony at the public hearings, and review of the application materials and the documents listed above submitted during the public hearings, the Commission concludes that the proposed Project as conditioned will not have significant or cumulative effects upon the interests of the Resource Area values of the Massachusetts Wetlands Protection Act and the Arlington Bylaw for Wetlands Protection when the conditions imposed herein are implemented to protect the Resource Area values. With these conditions contained, the Project meets the performance standards in the Act and Bylaw and implementing regulations.

For the foregoing reasons, the Commission approves this project under the Act and Bylaw with the conditions stated herein the applications for work at Spy Pond.

### **Additional Special Conditions**

In addition to the General Conditions (numbered 1 – 20 above), the Project is subject to the following Additional Special Conditions (under both the Act and Bylaw):

#### **Management Techniques**

21. Herbicide use shall be limited to subsurface injection of diquat at low concentrations (0.5 To 0.75 gallons/surface acre for curly-leaf pondweed and 1.5 gallons/surface acre for brittle naiad) directly within actively growing populations of target submerged vegetative communities. Spot applications of the copper-based algaecide EarthTec shall be applied only when there are active algal blooms. Manual, direct application (e.g., cut-and-dab) of Imazamox is allowed for treatment of phragmites. Management of submerged aquatic plants with herbicide shall require the submission and approval of a full management plan. The plan shall be submitted to all project stakeholders, the Arlington Conservation Commission Agent, and NHESP by December 1<sup>st</sup> of each year.
22. Herbicide applications will be performed when target vegetation is between 1 and 2 feet tall (before the vegetation overtops the surface of the pond) to ensure that low-concentration applications will be effective.
23. Water levels shall remain at or below the Englemenn's Flatsedge safety level specified by Natural Heritage ( $\leq 30.5$  mm) for the duration of time diquat could be present in the water

column

24. Herbicide application rates shall be the lowest effective application (per the herbicide label) and targeted to specific locations of invasive plant infestation.
25. The Applicant (or the Applicant's contractor or agent responsible for administering herbicide to Spy Pond) shall acquire a License to Apply from MassDEP by March 31<sup>st</sup> of each year before conducting any pesticide application within Spy Pond.
26. Mechanical management of submerged aquatic plants shall require the submission and approval of a full mechanical management plan. The Applicant shall submit the plan to the Conservation Agent for approval by the Conservation Commission at least 60 days prior to the proposed start of work.
27. Manual management of submerged aquatic plants shall be conducted in two feet of water or less when plants number one or fewer per ten square feet. Diver assisted manual management may be conducted in deeper water subject to the same criteria. All manual removal shall be done by hand, sometimes using hand tools to loosen roots from sediments. Alternative manual management methods shall require the submission and approval of a full manual management plan. The Applicant shall submit the plan to the Conservation Agent for approval by the Conservation Commission at least 60 days prior to the proposed start of work.

### **Reporting**

28. The Applicant shall conduct bed identifications annually to identify locations and densities of curly-leaf pondweed, brittle naiad, and other target vegetation. Bed identifications shall be conducted from a boat. Identification results shall be submitted to the Conservation Agent within 30 days of completion.
29. The Applicant shall submit a summary report annually describing all management and monitoring. The report shall detail the relative densities and locations of invasive plants through the given season and a comparison between the current and previous year's conditions. The report shall also provide guidance for the following management season and include any figures and photographs related to surveys within Spy Pond throughout the year. All reports shall be submitted to all project stakeholders, the Arlington Conservation Commission Agent, and NHESP by December 1<sup>st</sup> of each year.

### **Prior to Work**

30. No work shall begin under this Order and Permit until: (a) all other required permits or approvals have been obtained and (b) the appeal period of ten (10) business days from the date of issue of this Order has expired without any appeal being filed, and (c) proof that this Order has been recorded in the Registry of Deeds has been submitted to the Conservation Agent.

**APPROVAL ORDER OF CONDITIONS – Spy Pond Aquatic Invasive Management**  
MassDEP File # 091-0344

31. Prior to starting work, the Applicant shall submit to the Commission the names and 24-hour phone numbers of project managers or the persons responsible for site work or mitigation.
32. Prior to any work commencing, a sign no less than 2 square feet or more than 3 square feet, visible from the street, shall be displayed reading “**MA DEP File # 091-0344**” and not placed on a living tree.
33. The contractor shall contact the Conservation Agent (concomm@town.arlington.ma.us ; 781-316-3012) at least 72 hours prior to commencement of work.

**Administrative**

34. Work permitted by this Order and Permit shall conform to the Notice of Intent, the approved plans and documents (listed above), and oral representations (as recorded in hearing minutes) submitted or made by the Applicant and the Applicant’s agents or representatives, as well as any plans and other data, information or representations submitted per these Conditions and approved by the Commission.
35. The provisions of this Order and Permit shall apply to and be binding upon the Applicant and Applicant’s assigns, tenants, lessees, property manager, employees, contractors, and agents.
36. The Applicant shall ensure that a copy of this Order and Permit, with any referenced plans, is always available on site, and that contractors, site managers, foremen, and sub-contractors understand its provisions.
37. The lead contractor shall sign and return to the Conservation Agent an acknowledgment that contractors, site managers, foremen, and sub-contractors cannot deviate from the approved plans without Commission approval.
38. If there are conflicting conditions within this Order and Permit, the stricter condition(s) shall govern.

**Project Completion**

39. Upon completion of the project or 60 days prior to the expiration of this Order of Conditions, the Applicant or a representative thereof shall file for a Certificate of Compliance.



## Town of Arlington, Massachusetts

---

### Request for Determination of Applicability: 35 Beverly Road

#### Summary:

This public hearing will consider an application for a seasonal floating dock at 35 Beverly Road along the Bank and Land Under Water of Mystic Lake.

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	35_Beverly_Road_RDA_Package.pdf	35 Beverly Road RDA Package



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Arlington  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. General Information**

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Maylene Chu  
Name

maylene.chu@gmail.com  
E-Mail Address

35 Beverly Rd  
Mailing Address

Arlington  
City/Town

MA  
State

02474  
Zip Code

617-721-7696  
Phone Number

N/A  
Fax Number (if applicable)

2. Representative (if any):

N/A  
Firm

\_\_\_\_\_  
Contact Name

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number (if applicable)

**B. Determinations**

1. I request the Arlington make the following determination(s). Check any that apply:  
Conservation Commission

☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.

☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.

☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.

☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Arlington  
Name of Municipality

☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



## WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Arlington  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Maylene Chu and Thomas Schnelldorder

Name

35 Beverly Rd

Mailing Address

Arlington

City/Town

MA

State

02474

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

[Signature]  
Signature of Applicant

12/22/23  
Date

\_\_\_\_\_  
Signature of Representative (if any)

\_\_\_\_\_  
Date





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Arlington  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

35 Beverly Rd / Lot 0

Street Address

Arlington

City/Town

71-2 71-2-11B-11B-11B-11B

Assessors Map/Plat Number

71-2-11B / Lot 0

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

See attached BRP WW 24.

- c. Plan and/or Map Reference(s):

See Attached BRP WW 24.

Title

8/5/23

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Seasonal Floating Dock.

Approx. 136 sq. ft. of impermeable surface



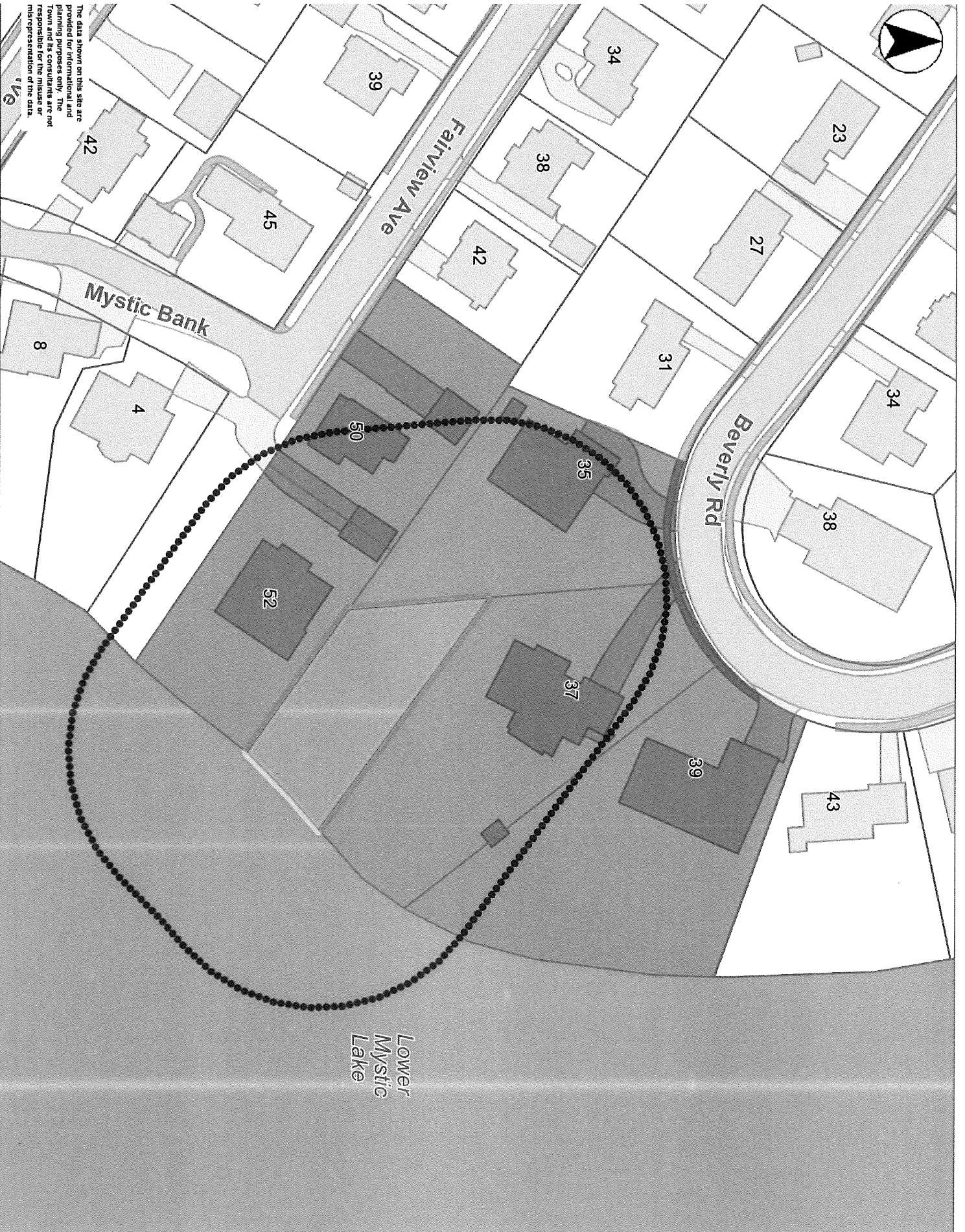
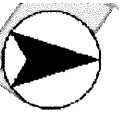
Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Waterways Regulation Program

**BRP WW 24** General License Certification (GLC)

**Instructions and Supporting Materials**

**General License Plan Template (Required for Certification)**

<b>General License Certification No.</b>		<b>For Registry of Deeds Use Only</b>	
<b>Approved by Department of Environmental Protection</b>			
<b>Date:</b>			
<b>PLAN VIEW</b>		<b>LOCUS MAP</b>	
<p>✓ N LOWER MYSTIC LAKE (MEAN LOW WATER) MLW MHW (MEAN HIGH WATER) PROPERTY LINE</p>		<p>1 N LOWER MYSTIC LAKE LOCUS</p>	
<p>10' 6' 16' 4' 2" DIAMETER PILES RAMP 4'</p>		<p>1 CM = 4' 0' 4' 8' 12' 16' SCALE PROPERTY LINE</p>	
<b>PROFILE VIEW</b>		<b>SCALE</b>	
<p>2" DIAMETER PILES 6' x 10' FLOATING DOCK (2) MLW MHW EXISTING BOTTOM</p>		<p>0' 2' 4' 6' 8' 10' 12' 1 CM = 2' SCALE</p>	
<p>This plan conforms to the requirements of the <u>Deed Indexing Standards for the Commonwealth of Massachusetts</u> - January 1, 2008, Section 6-4: Plans as Attachments to Other Documents.</p>		<p>Plan accompanying petition of: <u>Maylene Chu</u> <u>35 Beverly Rd</u> <u>Arlington, MA 02474</u></p>	
		<p>Project Description: <u>Seasonal Floating Dock w/ Ramp</u> In: <u>Lower Mystic Lake</u> At: <u>35 Beverly Rd, Arlington</u> County of: <u>Middlesex</u> Sheet <u>1</u> of <u>1</u> Date: <u>8/5/23</u></p>	



- Place/Category**
- Police Station
  - Fire Station
  - School
  - Library
  - Public Works
  - Recreation - Facilities
  - Recreation - Fields Cc
  - Recreation - Fields Cc
  - Open Space - Conserv
  - Open Space - Minutier
  - Open Space - Labais
  - Open Space
  - Town, State, or Other Town Dwn
  - MA Highways
  - Interstate
  - US Highway
  - Numbered Rout
  - Abutting Towns
  - Town Boundary
  - Parcels
  - Buildings
  - Cemetery - Roads
  - Road1
  - Road2
  - Road3
  - Road4
  - Pavement Markings
  - Impervious Surface - f
  - Street
  - Sidewalk
  - Street Island
  - Driveway
  - Parking Lot
  - Bike Path
  - Roads - For Large Sci
  - Roads - For Small Sci
  - Major Road
  - Local Road
  - Master Plan Base Map
  - Water Line
  - Water Body

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

100

200 ft

Printed on 12/20/2023 at 09:20 AM

## AFFIDAVIT OF SERVICE

Maylene Chu

12/22/23

I, *Applicant Name*, being duly sworn, do hereby state as follows: on *Date*, I mailed a "Notification to Abutters" in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, s.40, the DEP Guide to Abutter Notification dated April 8, 1994, and the Arlington Wetlands Protection Bylaw, Title V, Article 8 of the Town of Arlington Bylaws in connection with the following matter:

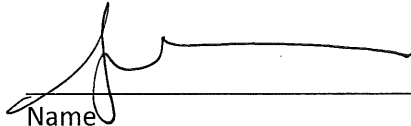
Project Description Floating Dock

Project Address or Location 35 Beverly Rd / Lot 0 Parcel 71-2-11B

The form of the notification, and a list of the abutters to whom it was provided and their addresses, are attached to this Affidavit of Service.

12/22/23

Signed under the pains and penalties of perjury, this *Day of Month*.

  
Name \_\_\_\_\_



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Waterways Regulation Program

**BRP WW 24** General License Certification (GLC)

**Instructions and Supporting Materials**

**General License Plan Template (Required for Certification)**

<b>General License Certification No.</b>		<b>For Registry of Deeds Use Only</b>	
<b>Approved by Department of Environmental Protection</b>			
<b>Date:</b>			
<b>PLAN VIEW</b>		<b>LOCUS MAP</b>	
<b>PROFILE VIEW</b>		<b>SCALE</b>	
<b>THIS PLAN CONFORMS TO THE REQUIREMENTS OF THE</b>		<b>Plan accompanying</b>	
<b>DEED INDEXING STANDARDS FOR THE COMMONWEALTH OF MASSACHUSETTS -</b>		<b>petition of:</b>	
<b>JANUARY 1, 2008, SECTION 6-4:</b>		<b>Maylene Chu</b>	
<b>Plans as Attachments to Other Documents.</b>		<b>35 Beverly Rd</b>	
		<b>Arlington, MA 02474</b>	
		<b>Project Description: Seasonal Floating Dock w/ Ramp</b>	
		<b>In: Lower Mystic Lake</b>	
		<b>At: 35 Beverly Rd, Arlington</b>	
		<b>County of: Middlesex</b>	
		<b>Sheet 1 of 1 Date: 8/5/23</b>	

**PUBLIC NOTICE**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

**Notice of General License Certification Application pursuant to 310 CMR 9.29  
23-WW-PRE-0081-APP**

**NOTIFICATION DATE:** August 17, 2023

Public notice is hereby given of the application for Certification to the General License by Maylene Chu to construct/maintain a dock in the waters of the Lower Mystic Lake at 35 Beverly Rd, Arlington, in Middlesex County.

The Arlington Planning Board will consider all written comments on this Waterways application received within 30 days of the "Notification Date".

Project plans and documents for this application are on file with the Arlington Planning Board. Written comments must be addressed to: The Arlington Planning Board. Please send comments to: Planning and Community Development, 730 Mass Ave, Annex, Arlington, MA 02476.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

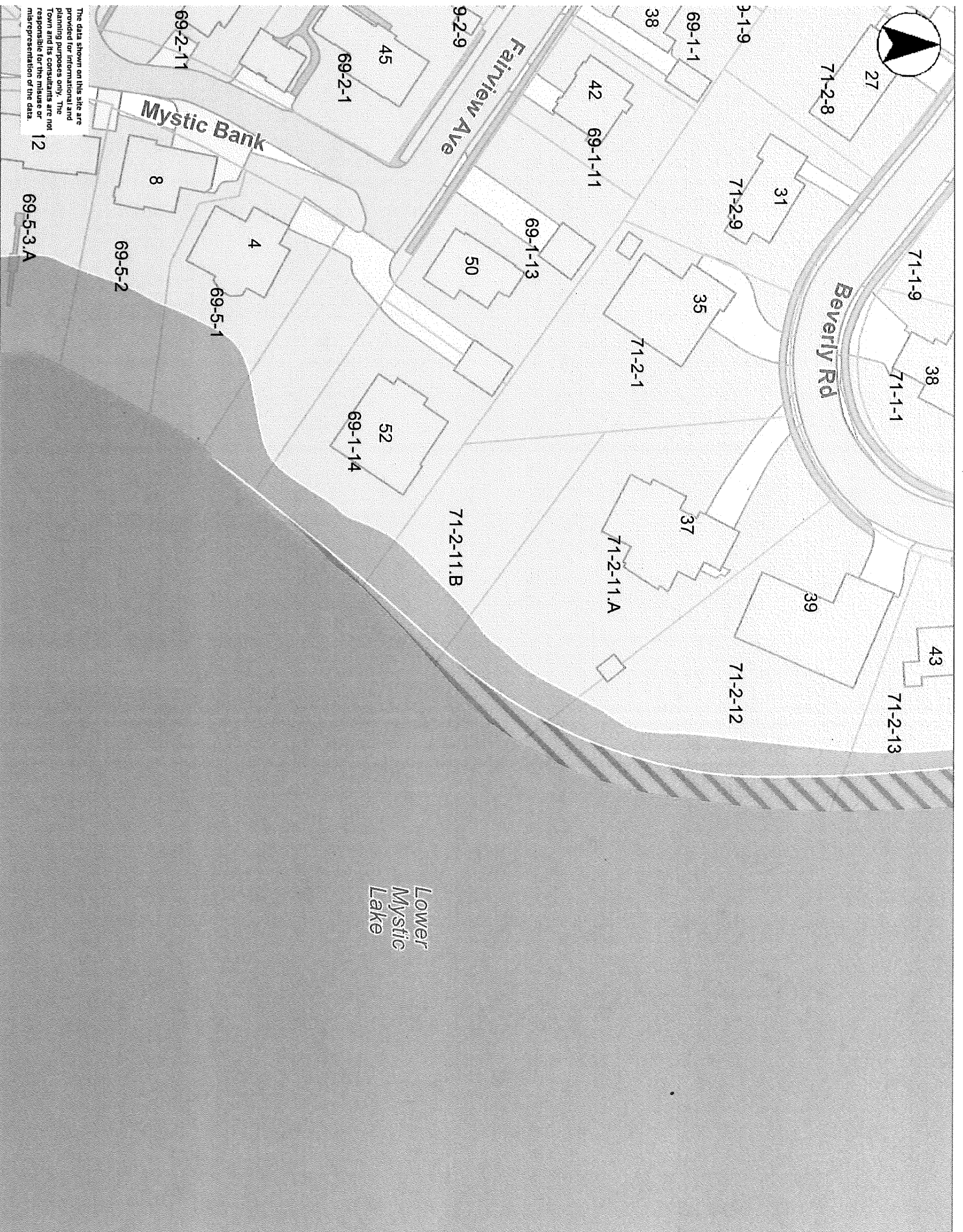
**Project Statement for Local Planning Board on Certification Application pursuant  
to 310 CMR 9.29 General License Certification  
23-WW-PRE-0081-APP**

Applicant Name: Maylene Chu

Project Site Address: 35 Beverly Rd, Lower Mystic Lake, Arlington, 02474, Middlesex County

Project Description: Dock for private use. It will be a seasonal floating dock placed in the Lower Mystic Lake at property location 35 Beverly Rd in Arlington. The dock will consist of two 10ft x 6ft segments in an L formation with an adjacent 4ft x 4ft ramp. Please refer to the general license plan for detailed diagram.





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# Wetland and Flood GIS Viewer

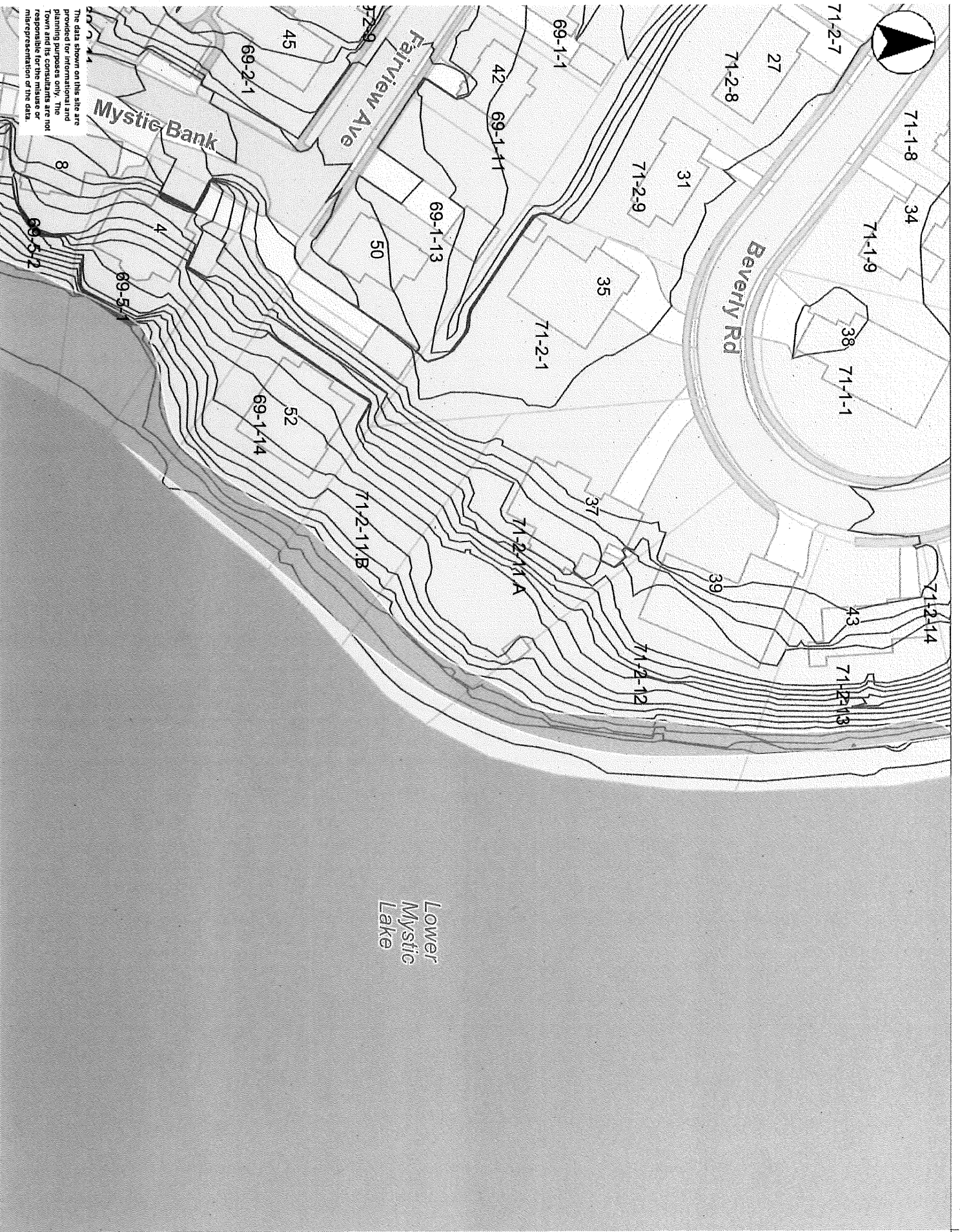
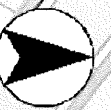


- Auditing Points
- Water Body
- Water Line
- Wetlands
- FEMA 1% - 100 Year
- FEMA Floodway
- Buildings
- Master Plan - Town B
- Master Plan Base Ma
- Parcel - For Gray Ba
- Highways - White Interstate
- US Highway
- State Highway
- Pavement Markings
- Impervious Surface - I
- Street
- Sidewalk
- Street Island
- Driveway
- Parking Lot
- Bike Path
- Roads - For Large Sc
- Roads - For Small Sc
- Major Road
- Local Road
- Master Plan Base Ma
- Master Plan Base Ma
- Master Plan Base Ma
- Town Boundary - Gra









- Abutting Towns
- Water Body
- Water Line
- FEMA 1% - 100 Year Elevation Contour (2ft)
- Buildings
- Master Plan - Town B
- Master Plan Base Map
- Parcels - For Gray Ba
- Highways - White
- Interstate
- US Highway
- State Highway
- Pavement Markings
- Impervious Surface -
- Roofs - For Large Sc
- Roads - For Small Sc
- Major Road
- Local Road
- Master Plan Base Map
- Master Plan Base Map
- Master Plan Base Map
- Town Boundary - Gra

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 100 200 ft

Printed on 12/20/2023 at 11:45 PM

## ABUTTER NOTIFICATION

### Notification to Abutters Under the Massachusetts Wetlands Protection Act and Arlington Wetlands Protection Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

The Conservation Commission will hold a virtual public meeting using Zoom, on *January 18, 2024* at 7:00 PM in accordance with the provisions of the Mass. Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended), the Town of Arlington Bylaws Article 8, Bylaw for Wetland Protection, and in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, for a Request for Determination of Applicability from Applicant *Maylene Chu*, for a pier with seasonal floating dock at 35/Lot 0 Beverly Road within 100 feet of a wetland, on Assessor's Property Map/s #71-2, Lot/s #11B. Please refer to the Commission's online meeting agenda for specific Zoom meeting access information.

A copy of the application and accompanying plans are available by request by contacting the Arlington Conservation at 781-316-3012 or [concomm@town.arlington.ma.us](mailto:concomm@town.arlington.ma.us). For more information, call the applicant (617-721-7696), the Arlington Conservation Commission (781-316-3012), or the DEP Northeast Regional Office (978-694-3200).

NOTE: Notice of the Public Hearing will be published at least five (5) business days in advance in *The Arlington Advocate* and will also be posted at least 48 hours in advance in the Arlington Town Hall.





**CERTIFIED ABUTTERS LIST**

Date: December 20, 2023

Subject Property Location: 0 LOT BEVERLY RD Arlington, MA

Subject Parcel ID: 71-2-11.B

Search Distance: 100 Feet

Parcel ID	Property Location	Owner 1	Owner 2	Mailing Address	City/Town	State	Zip
69-1-13	50 FAIRVIEW AVE	CHUNIAS JENNIFER		50 FAIRVIEW AVE	ARLINGTON	MA	02474
69-1-14	52 FAIRVIEW AVE	DEEMYS GEORGE A/ TRUSTEE	GEORGE A DEEMYS 2006 REVOCABLE	52 FAIRVIEW AVE	ARLINGTON	MA	02474
71-2-10	35 BEVERLY RD	SCHNELLDORFER THOMAS	CHU MAYLENE	35 BEVERLY RD	ARLINGTON	MA	02474
71-2-11.A	37 BEVERLY RD	SANDS RICHARD M/ TRUSTEE	RICHARD M SANDS TRUST	37 BEVERLY RD	ARLINGTON	MA	02474
71-2-11.B	0-LOT BEVERLY RD	SCHNELLDORFER THOMAS	CHU MAYLENE	35 BEVERLY RD	ARLINGTON	MA	02474
71-2-12	39 BEVERLY RD	CHUNG HAEWON	YI HAE-YWON	39 BEVERLY RD	ARLINGTON	MA	02474

The Board of Assessors certifies the names and address of requested parties in interest, all abutters to subject parcel within 100 feet.



Town of Arlington  
Office of the Board of Assessors  
730 Massachusetts Ave.  
Arlington, MA 02476  
phone: 781.316.3050  
email: assessors@town.arlington.ma.us



## Town of Arlington, Massachusetts

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### Request for Determination of Applicability: 43 Beverly Road

#### Summary:

This public hearing will consider an application for a seasonal floating dock at 43 Beverly Road along the Bank and Land Under Water of Mystic Lake.

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	43_Beverly_Rd_RDA_Subm_package.pdf	43 Beverly Rd RDA Subm package

# **Request for Determination of Applicability**

## **Seasonal Floating Dock**

43 Beverly Road  
Arlington, Massachusetts

Prepared for;

**Marin Soljadic**  
43 Beverly Road  
Arlington, MA 02474

Prepared by;

**Salem Village Consulting, LLC**  
90 PINE ST.  
DANVERS, MA 01923

December 26, 2023

# **Table of Contents**

## **Tab 1: Forms**

WPA Form 1-request for Determination of Applicability  
Copy of Check

## **Tab 2: Project Information**

Narrative  
Site Photographs  
USGS Site Locus  
Natural Heritage & Endangered Species Map

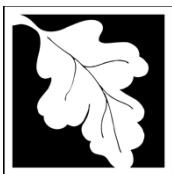
## **Tab 3: Abutter Information**

Certified Abutters list  
Notification to Abutters  
Affidavit of Service

## **Tab 4: Project Plan**







# Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

## WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Municipality \_\_\_\_\_

### A. General Information

#### Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



#### 1. Applicant:

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

#### 2. Property Owner (if different from Applicant):

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Email Address (if known) \_\_\_\_\_

#### 3. Representative (if any)

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Email Address (if known) \_\_\_\_\_

### B. Project Description

#### 1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Street Address \_\_\_\_\_

City/Town \_\_\_\_\_

Latitude (Decimal Degrees Format with 5 digits after decimal  
e.g. XX.XXXXX)

Longitude (Decimal Degrees Format with 5 digits after  
decimal e.g. -XX.XXXXX)

Assessors' Map Number \_\_\_\_\_

Assessors' Lot/Parcel Number \_\_\_\_\_

#### b. Area Description (use additional paper, if necessary):

#### c. Plan and/or Map Reference(s): (use additional paper if necessary)

Title \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)



**Massachusetts Department of Environmental Protection**

Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

\_\_\_\_\_  
Municipality

**B. Project Description (cont.)**

2. a. Activity/Work Description (use additional paper and/or provide plan(s) of Activity, if necessary):

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary).



Massachusetts Department of Environmental Protection  
Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability** Arlington  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Municipality

**C. Determinations**

1. I request the Arlington make the following determination(s). Check any that apply:  
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced above is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced above are accurately delineated.
- ☒ c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- ☒ d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance or bylaw of:**

Arlington

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for Activities in the Riverfront Area as depicted on referenced plan(s).

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Mark Soforic  
Signature of Applicant

12 DEC 2023  
Date

[Signature]  
Signature of Representative (if any)

12/20/23  
Date

## BYLAW FILING FEES AND TRANSMITTAL FORM

### Rules:

1. Fees are payable at the time of filing the application and are non-refundable.
2. Fees shall be calculated per schedule below.
3. Town, County, State, and Federal Projects are exempt from fees.
4. These fees are in addition to the fees paid under M.G.L. Ch. 131, s.40 (ACT).

### Fee Schedule (ACC approved 1/8/15):

\$	No./Area	Category
150	1	<b>(R1) RDA</b> - \$150 local fee, no state fee
		<b>(N1) Minor Project</b> - \$200 (house addition, tennis court, swimming pool, utility work, work in/on/or affecting any body of water, wetland or floodplain).
		<b>(N2) Single Family Dwelling</b> - \$600
		<b>(N3) Multiple Dwelling Structures</b> - \$600 + \$100 per unit all or part of which lies within 100 feet of wetlands or within land subject to flooding.
		<b>(N4) Commercial, Industrial, and Institutional Projects</b> - \$800 + 50¢/s.f. wetland disturbed; 2¢/s.f. land subject to flooding or buffer zone disturbed.
		<b>(N5) Subdivisions</b> - \$600 + \$4/l.f. feet of roadway sideline within 100 ft. of wetlands or within land subject to flooding.
		<b>(N6) Other Fees</b> - copies, printouts; per public records law
		<b>(N7) Minor Project Change</b> - \$50
		<b>(N8) Work on Docks, Piers, Revetments, Dikes, etc</b> - \$4 per linear foot
		<b>(N9) Resource Boundary Delineation (ANRAD)</b> - \$1 per linear foot
		<b>(N10) Certificate of Compliance (COC or PCOC)</b> - No charge if before expiration of Order, \$200 if after that date.
		<b>(N11) Amendments</b> - \$300 or 50% of original local filing fee, whichever is less.
		<b>(N12) Extensions</b> -
		<b>a. Single family dwelling or minor project</b> - \$100.
		<b>b. Other</b> - \$150.
		<b>(N13) Consultant Fee</b> -per estimate from consultant
	<b>TOTAL \$150</b>	

**Note:** Submit this form along with the forms submitted for the ACT - the "Wetlands Filing Fee Calculations Worksheet," and the "Notice of Intent Fee Transmittal Form."

MARIN SOLJACIC OR  
MIHAELA PAPA  
43 BEVERLY RD  
ARLINGTON, MA 02474-1209

736

53-13/110 MA  
26511

12 DEC 2013

Date

Pay to the  
Order of TOWN OF ARLINGTON

\$ - 150.00 -

- HUNDRED FIFTY AND <sup>00</sup>/<sub>100</sub> -

Dollars



Photo  
Safe  
Deposit  
Checkable with funds

BANK OF AMERICA

ACH R/T 011000138

For FILING FEE

Marin Soljacic

⑆011000138⑆ 009441622674⑈0736



# **NARRATIVE**

## **SITE INFORMATION**

The site is located on the east side of the public roadway Beverly Road approximately 1000 feet southeast of Mystic Street. The property is bounded by Beverly Rd. to the west, residential properties to the north and south and the Lower Mystic Lake to the southeast. The subject property has a land area of 13,577 square feet (0.31 Ac.) and approximately 130 feet of shoreline on the Lower Mystic Lake. It is shown as Lot 13 on the Arlington assessor's map 71-2 and has a street address of #43. Refer to the USGS locus map (Figure #1) for the site's location.

## **PROJECT INFORMATION**

The project proposes to maintain an existing 4' x 20' (80 s.f.) floating seasonal dock off the shore of the Lower Mystic Lake. The dock is made of aluminum and is secured to an existing stone retaining wall. The dock was installed by a previous property owner and has been in existence for over 30 years.

The applicant purchased the property in 2022 and with the change of ownership is required to obtain a new Chapter 91 General License Certification to maintain the dock in a Great Pond of the Commonwealth. There is no record of an approval of the existing dock under the Mass Wetlands Protection Act. The applicant is required to obtain approval by the Arlington Conservation Commission prior to receiving a waterways license.

Photographs (#1 & 2) provide a picture of the location and existing condition. For additional detailed information on the dock, refer to the project's Site Plan.

The Lower Mystic Lake is designated as a Massachusetts Great Pond, which contains the wetland resource area, Land under Water Bodies and Waterways. The existing dock sits at the water surface and has no supports or anchors located in the soils below the water surface. For this reason, there should be no impact on the resource area. The limit of the resource area has been depicted on the site plan.





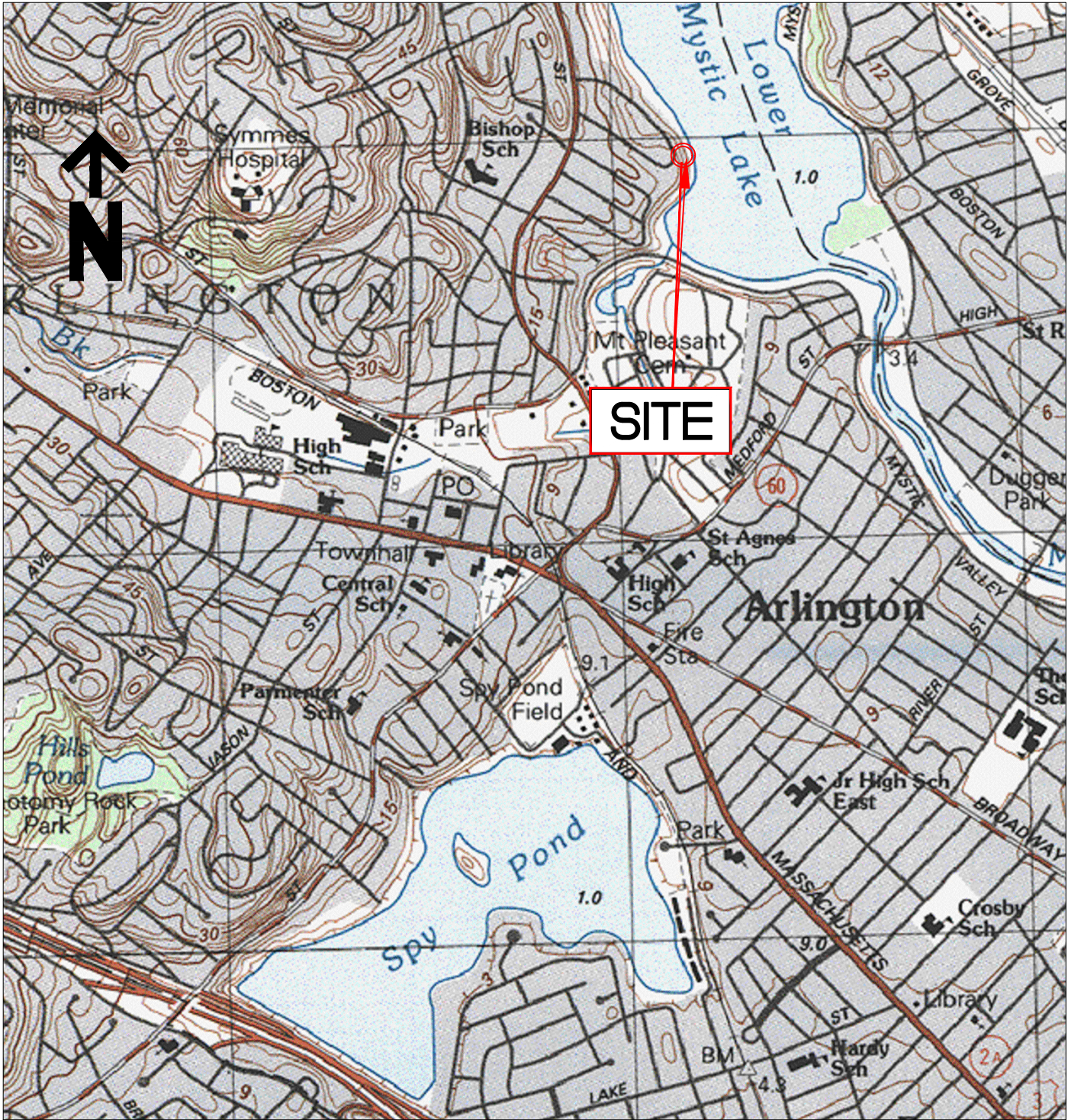


PHOTO 2





FIGURE 1



## USGS LOCUS MAP

43 BEVERLY ROAD  
ARLINGTON, MASSACHUSETTS

DRAWN FOR

MARIN SOLJACIC

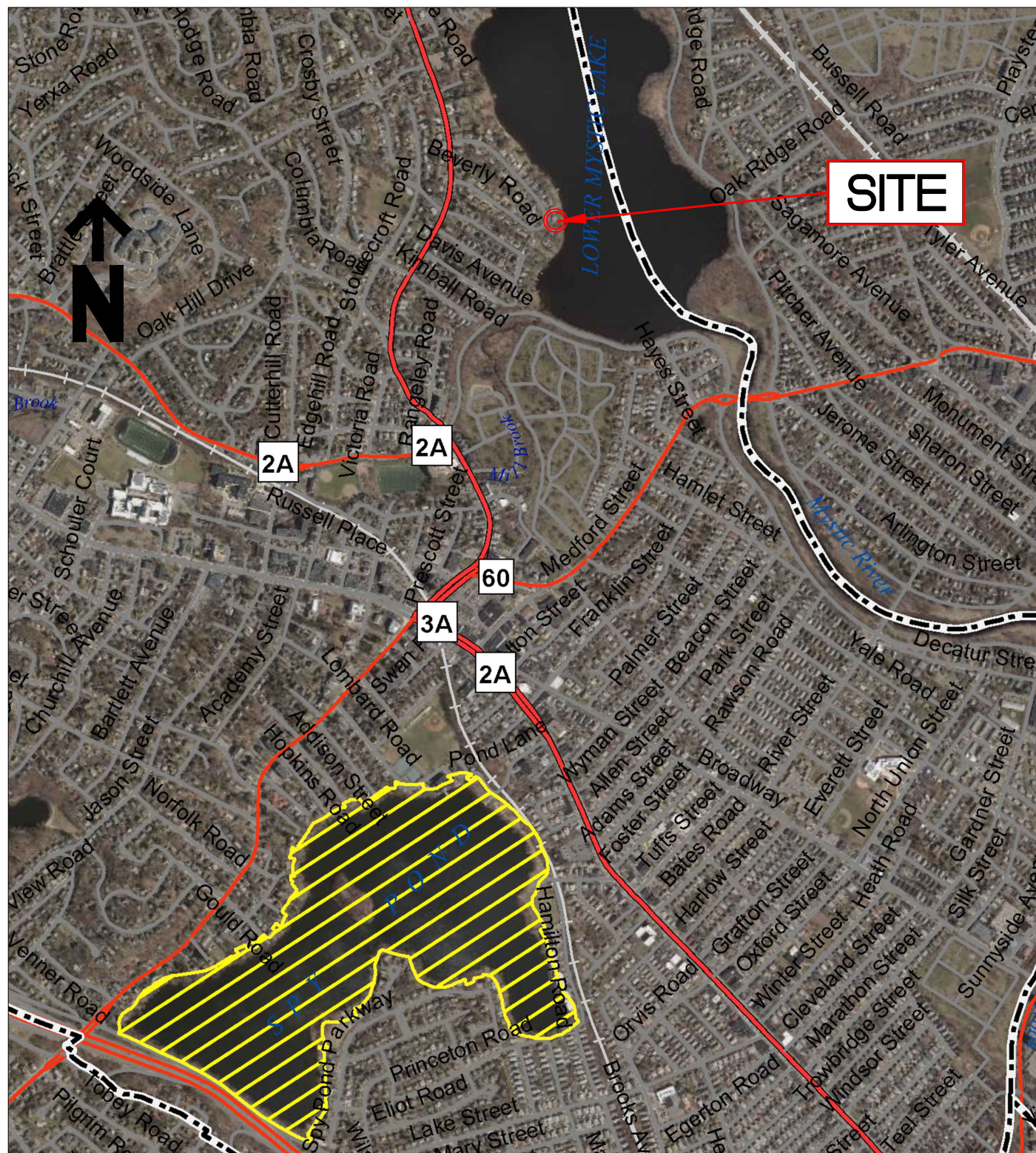
# Salem Village Consulting

90 PINE STREET  
DANVERS, MA. 01923  
(978) 204-2390

DATE: DECEMBER 2023

SCALE: 1"=1200' ±





## PRIORITY HABITATS + ESTIMATED HABITATS

43 BEVERLY ROAD

ARLINGTON, MASSACHUSETTS

DRAWN FOR

MARIN SOLJACIC

# Salem Village Consulting

90 PINE STREET  
DANVERS, MA. 01923  
(978) 204-2390

DATE: DECEMBER 2023

SCALE: 1"=1200' ±







**Certified Abutters List**

**Date: December 5, 2023**

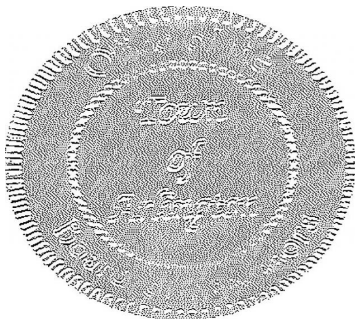
**Subject Property Location: 43 BEVERLY RD Arlington, MA**

**Subject Parcel ID: 71-2-13**

**Search Distance: 100 Feet**

Parcel ID	Property Location	Owner 1	Owner 2	Mailing Address	City/Town	State	Zip
71-1-10	38 BEVERLY RD	KHOSLA RAGAV		38 BEVERLY RD	ARLINGTON	MA	02474
71-1-11	42 BEVERLY RD	STANTON PAUL J & JANE P		42 BEVERLY RD	ARLINGTON	MA	02474
71-2-11.A	37 BEVERLY RD	SANDS RICHARD M/ TRUSTEE	RICHARD M SANDS TRUST	37 BEVERLY RD	ARLINGTON	MA	02474
71-2-12	39 BEVERLY RD	CHUNG HAEWON	YI HAE-YWON	39 BEVERLY RD	ARLINGTON	MA	02474
<b>71-2-13</b>	<b>43 BEVERLY RD</b>	<b>SOLJACIC MARIN</b>	<b>PAPA MIHAELA SOLJACIC</b>	<b>43 BEVERLY RD</b>	<b>ARLINGTON</b>	<b>MA</b>	<b>02474</b>
71-2-14	47 BEVERLY RD	CHANIN JONATHAN ISAAC	RUBMAN JILLIAN	47 BEVERLY RD	ARLINGTON	MA	02474
71-2-15	53 BEVERLY RD	VAN SCHOOR MARCELLE &	VAN SCHOOR MARTHINUS	53 BEVERLY RD	ARLINGTON	MA	02474

**The Board of Assessors certifies the names and addresses of the requested parties in interest, all abutters to the subject parcel within 100 feet.**



**Town of Arlington**

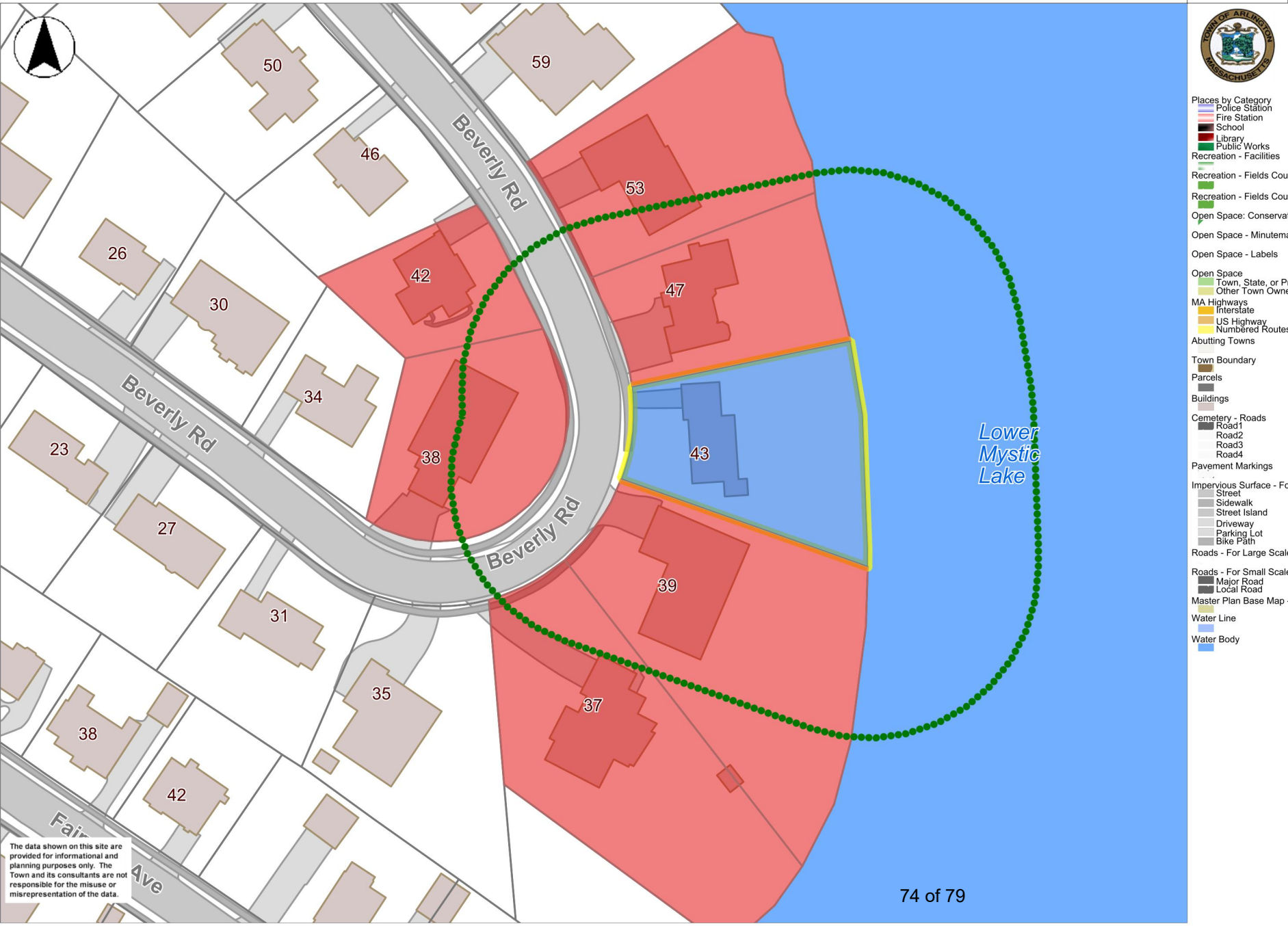
**Office of the Board of Assessors**

**730 Massachusetts Ave.**

**Arlington, MA 02476**

**phone: 781.316.3050**

**email: [assessors@town.arlington.ma.us](mailto:assessors@town.arlington.ma.us)**



**Notification to Abutters Under the  
Massachusetts Wetlands Protection Act  
And Arlington Wetlands Protection Bylaw**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

The Conservation Commission will hold a virtual public meeting using Zoom, on Thursday, \_\_\_\_\_ at 7:00 pm in accordance with the provisions of the Mass. Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended), the Town of Arlington Bylaws Article 8, Bylaw for Wetland Protection, and in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, for a Request for Determination of Applicability from Marin Soljacic, for To maintain an existing seasonal floating dock at 43 Beverly Rd., within Land under Water Bodies and Waterways, on Assessor's Property Map/s # 71-2, Lot/s # 13. Please refer to the Commission's online meeting agenda for specific Zoom meeting access information.

A copy of the application and accompanying plans are available by request by contacting the Arlington Conservation Agent at 781-316-3012 or [concom@town.arlington.ma.us](mailto:concom@town.arlington.ma.us). For more information call the applicant's representative at 978-204-2390 or the Arlington Conservation Commission at 781-316-3012, or the DEP Northeast Regional Office at 978-694-3200.

NOTE: Notice of the Public Hearing will be published at least five (5) business days in advance in *The Arlington Advocate* and will also be posted at least 48 hours in advance in the Arlington Town Hall.

\*\*\*\*\*

The meeting information for your hearing is:

Date:

Time:

**AFFIDAVIT OF SERVICE**

I, John Barrows, being duly sworn, do hereby state as follows: on \_\_\_\_\_, I mailed a “Notification to Abutters” in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, s.40, the DEP Guide to Abutter Notification dated April 8, 1994, and the Arlington Wetlands Protection Bylaw, Title V, Article 8 of the Town of Arlington Bylaws in connection with the following matter:

To maintain a 4’ x 20’ floating dock.

The form of the notification, and a list of the abutters to whom it was provided and their addresses, are attached to this Affidavit of Service.

Signed under the pains and penalties of perjury, this \_\_ \_\_ th day of January 2024,

\_\_\_\_\_  
Name



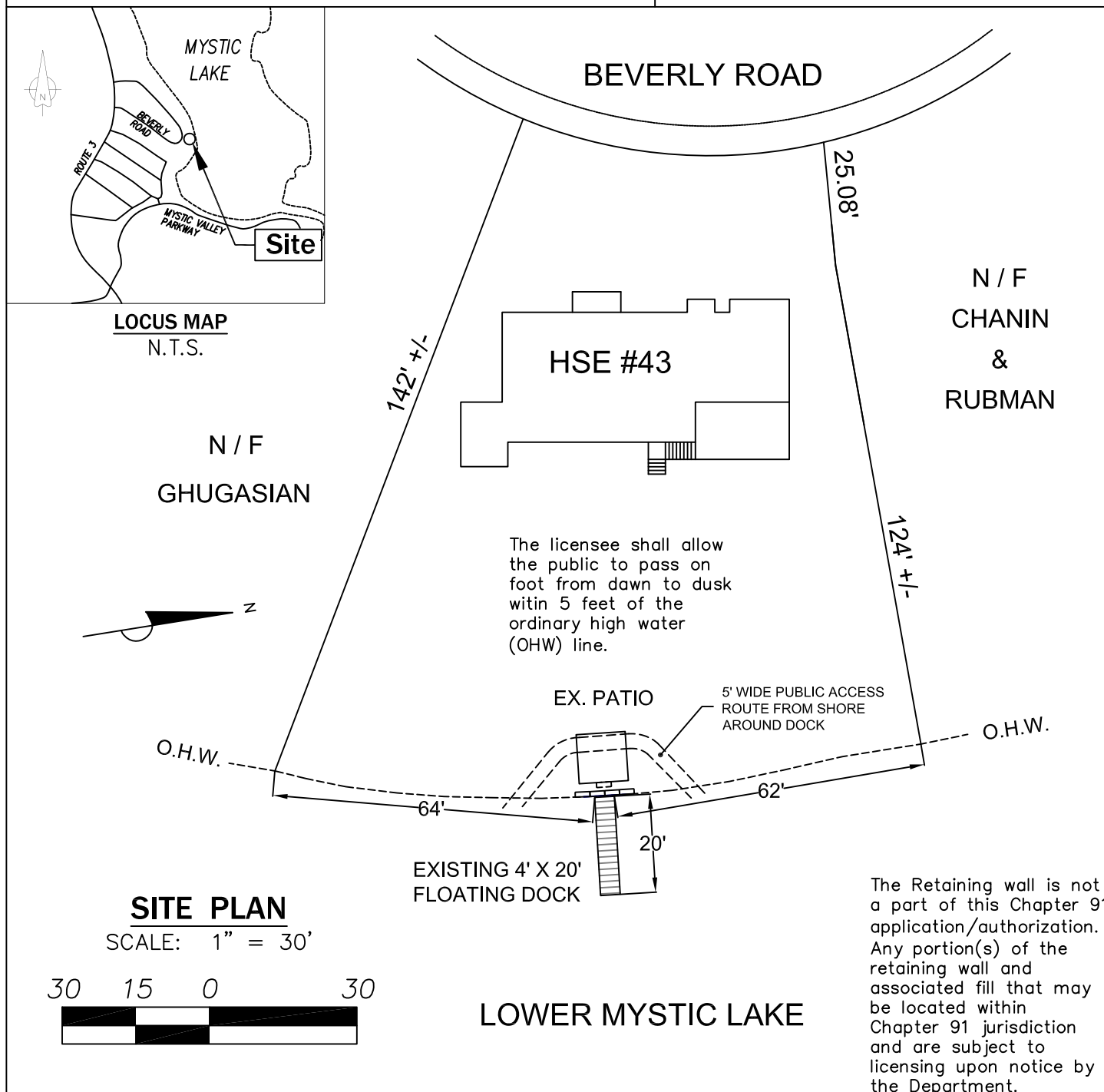


**General License Certification No.**

Approved by Department of Environmental Protection

Date:

For Registry of Deeds Use Only



This plan conforms to the requirements of the

Deed Indexing Standards for the Commonwealth of Massachusetts –

January 1, 2008, Section 6-4

Plans as Attachments to Other Documents

Plan accompanying petition of:

Marin Soljacic & Mihaela Soljacic Papa  
43 Beverly Road  
Arlington, MA 02474

Project Description: Maintain  
existing seasonal floating dock.

In Arlington

At: 43 Beverly Road

County of: Middlesex

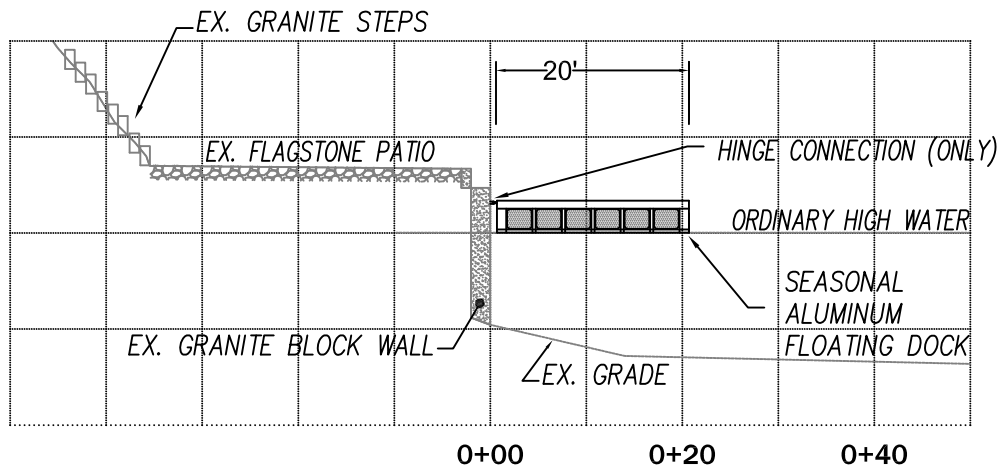
Sheet: 1 of 2 Date: 5/11/23

**General License Certification No.**

For Registry of Deeds Use Only

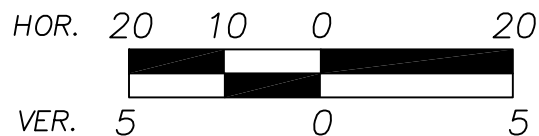
Approved by Department of Environmental Protection

Date:

**DOCK PROFILE**SCALE

HOR. 1" = 20'

VER. 1" = 5'



The Retaining wall is not a part of this Chapter 91 application/authorization.

Any portion(s) of the retaining wall and associated fill that may be located within Chapter 91 jurisdiction and are subject to licensing upon notice by the Department.

This plan conforms to the requirements of the

Deed Indexing Standards for the Commonwealth of Massachusetts –

January 1, 2008, Section 6-4

Plans as Attachments to Other Documents

Plan accompanying petition of:

Marin Soljagic & Mihaela Soljagic Papa  
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In Arlington

At: 43 Beverly Road

County of: Middlesex

Sheet: 2 of 2 Date: 5/11/23